

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LIGHTBOX VENTURES, LLC,

Plaintiff,

-v-

3RD HOME LIMITED and WADE SHEALY,

Defendants.

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LIGHTBOX VENTURES, LLC, and ANDREW  
ELLNER,

Interpleader  
Plaintiffs,

-v-

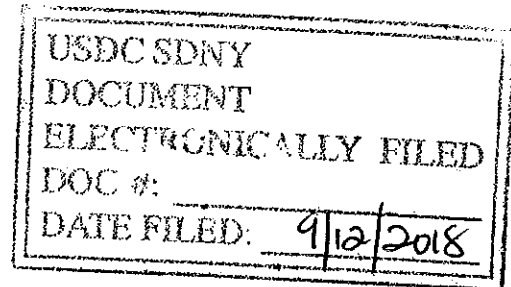
SCAROLA ZUBATOV SCHAFFZIN PLLC, and  
BREM MOLDOVSKY LLC,

Interpleader  
Defendants.

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DENISE COTE, District Judge:

16cv2379 (DLC)

ORDER



On August 21, 2018, the Court issued an Order setting out a procedure for requesting redactions to filings in this matter. On September 5, interpleader defendant Brem Moldovsky LLC (the "Moldovsky Firm") submitted its motion to dismiss and supporting papers to the Court via email pursuant to the August 21 Order. On September 9, interpleader plaintiff Lightbox Venture, LLC ("Lightbox") filed a letter on ECF requesting that portions of

an affidavit completed by Brem Moldovsky (the "Moldovsky Affidavit"), former counsel for Lightbox, be redacted on privilege grounds, and requesting that Exhibit C to the Moldovsky Affidavit be filed under seal. On September 10, the Moldovsky Firm filed a redacted version of the Moldovsky Affidavit on ECF, and submitted a four-page letter explaining its view that Lightbox's redaction requests were excessive. Accordingly, it is hereby

ORDERED that Lightbox's September 9 letter requested a number of redactions that cannot be supported on privilege grounds. Communications between Andrew Ellner and Mr. Moldovsky may be redacted. Headings and argument may not. Accordingly, Lightbox's requests to redact the following portions of the Moldovsky Affidavit are approved:

- The requested redactions to paragraphs 7, 8, 22, 29, 33, 40-43, 60, 81-83, and 86;

- The final sentence of paragraph 23;

- Paragraph 45, with the exception of the first sentence; and

- The second requested redaction to paragraph 100.

IT IS FURTHER ORDERED that Lightbox's requests to redact the following paragraphs of the Moldovsky Affidavit are denied:

- Paragraphs 6, 9 (including footnote 1), 10-13, 16, 18-21, 28, 34-38, 48, 61-63, 66, 73-76, 78, 80, 87, 92, 101.

- Paragraph 23, with the exception of the final sentence;

- The first sentence of paragraph 45;

- The first requested redaction of paragraph 100; and

- The headings on pages 5 and 8.

IT IS FURTHER ORDERED that the several emails in Exhibit C reflect that they were sent to or from counsel for the defendants in the underlying action. Such emails, to which third parties who were not representing Lightbox were parties, may not be filed under seal. Accordingly, Lightbox's request to file the entire exhibit under seal is denied. The following portions of Exhibit C shall be filed publicly:

- February 7, 2018, 4:54 p.m. email from Moldovsky to Phillip Jones, on page 16;

- February 7, 2017, 4:49 p.m. email from Jones to Moldovsky, on pages 16-17;

- February 5, 2018, 10:07 p.m. email from Jones to Moldovsky on page 18;

- February 5, 2018, 8:19 p.m. email from Moldovsky to Jones on pages 18-19;

- February 5, 2018, 2:37 p.m. email from Jones to Moldovsky on pages 21-22;

- January 15, 2018, 6:18 p.m. email from Jones to Moldovsky on pages 29-30;

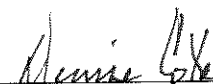
- January 15, 2018, 5:08 p.m. email from Moldovsky to Jones, on page 30; and

- January 15, 2018, 4:50 p.m. email from Jones to Moldovsky, on pages 30-31.

IT IS FURTHER ORDERED that the Moldovsky Firm shall file new versions with only the redactions approved herein on ECF by **September 14, 2018.**

IT IS FURTHER ORDERED that all counsel are reminded that letters to the Court may be no longer than two pages.

Dated: New York, New York  
September 12, 2018

  
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DENISE COTE  
United States District Judge